

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

JOEL CARTER,

Plaintiff,

v.

CASE NO: 21-CV-10518

HEIDI WASHINGTON, ET AL.,

Defendants.

/

**ORDER ADOPTING MAGISTRATE JUDGE'S
REPORT AND RECOMMENDATION**

This matter was referred to United States Magistrate David R. Grand pursuant to 28 U.S.C. §636(b)(1)(B) and Local Rule 72.1. In his report filed on November 8, 2022, the magistrate judge recommended that this court grant in part and deny in part Defendants Motion to Dismiss and for Summary Judgment on the Basis of Exhaustion [Dkt #28].

No objections have been filed pursuant to 28 U.S.C. § 636(b)(1)(C), thus further appeal rights are waived.¹

The Court ADOPTS the Report and Recommendation for purposes of this Order.

Accordingly, IT IS ORDERED that, for the reasons set forth in the Magistrate Judge's Report and Recommendation, Defendants' Motion to Dismiss and for Summary Judgment on the Basis of Exhaustion is **GRANTED**

¹The failure to object to the magistrate judge's report releases the court from its duty to independently review the motion. *Thomas v. Arn*, 474 U.S. 140, 149 (1985).

IN PART AND DENIED IN PART. It is DENIED as to Defendants' Request for Summary Judgment on the Basis of Exhaustion; **GRANTED** as to Defendants' Request for Dismissal of Carter's §1983 claims against Washington, McKee and Dawdy regarding his placement in a maximum facility for failure to allege personal involvement and **GRANTED** as to Defendants' Request for Dismissal of Carter's pre-February 23, 2018 claims against defendants Brown, Callejas, Bonito, Sampson, Shipman, Jennings and Warfield as barred by the three-year statute of limitations.

IT IS FURTHER ORDERED that Defendants David Dawdy, Abigail Callejas, Charles Brown, Amy Bonito, Barber Sampson, Brian Shipman, Melissa Jennings, Jerome Warfield are **DISMISSED WITH PREJUDICE**. A Separate judgment will enter.

S/Robert H. Cleland
ROBERT H. CLELAND
UNITED STATES DISTRICT JUDGE

Dated: December 2, 2022

I hereby certify that a copy of the foregoing document was mailed to counsel of record and/or pro se parties on this date, December 2, 2022, by electronic and/or ordinary mail.

S/Lisa Wagner
Case Manager and Deputy Clerk
(810) 292-6522